

Appl. No. 10/698,153
Resp. dated March 5, 2007
Reply to Final Office Action dated January 4, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew James Retsema
Invention: DISHWASHER AND MOTOR CAVITY SOUND ATTENUATOR
Serial No. : 10/698,153
File Date: October 29, 2003
Examiner /Art Unit: Stinson, Frankie L. / 1746

**DECLARATION TO DISQUALIFY COMMONLY OWNED PUBLISHED
APPLICARION UNDER 37 C.F.R. §1.130**

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

PURPOSE OF DECLARATION

1. This declaration is to establish that the above-identified application for DISHWASHER AND MOTOR CAVITY SOUND ATTENUATOR and the published application Jordan, U.S. Patent Publication No. 2005/0076938, that was cited by the Examiner as a 35 U.S.C. 103(a) reference, are owned by the same party and that the inventor named in the above-identified application is the prior inventor under 35 U.S.C. 104.
2. The person making this declaration is the attorney of record.

FACTS AND DOCUMENTARY EVIDENCE

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3. To establish that the above-identified patent application and the published application, Jordan et al, are currently owned by the same party, the following attached documents are submitted:
 - i. Copy of the Assignment of the above-identified patent application recorded with the U.S. Patent Office Assignment Division on October 29, 2003 on reel/frame no. 014657/0842.
 - ii. Copy of the Assignment of the published application Jordan recorded with the U.S. Patent Office Assignment Division on October 21, 2003 on reel/frame no. 014594/0336.
4. The above-identified patent application was assigned to Whirlpool Corporation and is recorded on reel/frame no. 014657/0842.
5. The Jordan patent application publication was assigned to Maytag Corporation and is recorded on reel/frame no. 014594/0336.
6. Maytag Corporation is a wholly owned subsidiary of Whirlpool Corporation. Therefore, Whirlpool Corporation is the current owner of all patents and patent applications assigned to Maytag Corporation.
7. The inventor named in the above-identified application, Andrew James Retsema, invented the claimed subject matter before the actual date of invention of the subject matter of the claims in Jordan et al.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful and false statements may

PATENT

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jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this verified statement is directed.

Dated on this 5th day of March, 2007.

/John F. Colligan/
JOHN F. COLLIGAN Registration No. 48,240
Telephone: (269) 923-5470

WHIRLPOOL PATENTS COMPANY
500 Renaissance Drive – Ste. 102 MD750
St. Joseph, Michigan 49085

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313-1450.	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office, to Central Facsimile Number 571-273-8300.
<u>/Deborah A. Tomaszewski/</u>	
Signature	
Date: <u>March 05, 2007</u>	<u>Deborah A. Tomaszewski</u>

ASSIGNMENT

WHEREAS, I (we), Marty R. Jordan, Randy D. McAlexander, Mark B. Neff and Barry E. Tuller whose post office address(es) appear(s) below, hereinafter referred to as ASSIGNOR, (is (are) the owner of certain new and useful improvements in Sound Sealing System For a Dishwasher (hereinafter referred to as the INVENTION) for which an application for United States Letters Patent was

☒ executed on even date herewith
☐ executed on:
☐ filed on: Serial No.
☐ established by PCT International Patent Application No.: Filed:

WHEREAS, MAYTAG CORPORATION

Whose post office address is 403 West Fourth Street North, Newton, Iowa 50208
 Hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the same in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, I (we), ASSIGNOR, do sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said INVENTION and application throughout the United States of America, including any and all United States Letters Patent granted on any division, continuation, continuation-in-part and reissue of said application; and the entire right, title and interest in and to the said INVENTION throughout the world, including the right to apply for patents and inventor certificates in respect thereof and to claim priority pursuant to rights accorded ASSIGNOR under the terms of the Paris International Convention and all other available international conventions and treaties; and the entire right, title and interest in and to any and all patents, patents of addition, utility models, patents of importation, revalidation patents and inventor certificates which may be granted throughout the world in respect of said INVENTION.

ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) or inventor certificate(s) in the United States and in foreign countries for said INVENTION, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said INVENTION, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE'S request documents and information concerning the INVENTION that are within ASSIGNOR'S possession or control and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR'S obligations under this instrument shall extend to ASSIGNOR'S heirs, executors, administrators and other legal representatives.

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this agreement and sale not been made.

ASSIGNOR authorizes any member of DIEDERIKS & WHITE LAW, PLC to insert or complete any information in this document needed to effect its recordal in the U.S. Patent and Trademark Office.

Assignor Name Marty R. Jordan	Address 5640 Sand Ridge Road Huron, TN 38345
Where Signed	
Date 9-23-03	Signature <i>Marty Jordan</i>
State of <u>Tennessee</u> County of <u>Madison</u> ss. Before me personally appeared <u>Marty Jordan</u> and acknowledged this instrument to be his (her) free act and deed this <u>23RD</u> day of <u>September</u> , 20 <u>03</u> . <u>James H. Page</u> Notary Public My commission expires <u>12/31/04</u>	

Assignor Name Randy D. McAlexander	Address 45 Raymond Street Atwood, TN 38220
Where Signed	
Date 9/23/03	Signature <i>Randy D. McAlexander</i>
<u>State of Tennessee</u> <u>County of Madison</u> ss. Before me personally appeared <u>Randy D. McAlexander</u> and acknowledged this instrument to be his (her) free act and deed this <u>23rd</u> day of <u>September</u> , 20 <u>03</u> .	
(Notarization preferred but not required) <i>Jarvis H. Page</i> Notary Public My commission expires <u>12/21/04</u>	

Assignor Name Mark B. Neff	Address 169 Goblet Road Medon, TN 38356
Where Signed	
Date 9-23-2003	Signature <i>Mark B. Neff</i>
<u>State of Tennessee</u> <u>County of Madison</u> ss. Before me personally appeared <u>Mark Neff</u> and acknowledged this instrument to be his (her) free act and deed this <u>23rd</u> day of <u>September</u> , 20 <u>03</u> .	
(Notarization preferred but not required) <i>Jarvis H. Page</i> Notary Public My commission expires <u>12/21/04</u>	

Assignor Name Barry E. Tuller	Address 86 Rolling Oaks Drive Humboldt, TN 38343
Where Signed	
Date 9/23/03	Signature <i>Barry E. Tuller</i>
<u>State of Tennessee</u> <u>County of Madison</u> ss. Before me personally appeared <u>Barry E. Tuller</u> and acknowledged this instrument to be his (her) free act and deed this <u>23rd</u> day of <u>September</u> , 20 <u>03</u> .	
(Notarization preferred but not required) <i>Jarvis H. Page</i> Notary Public My commission expires <u>12/21/04</u>	

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks.

Please record the attached original documents or copies thereof.

1. Name of Conveying Party(ies):

Marty R. Jordan
Randy D. McAlexander
Mark B. Neff
Barry E. Tuller

2. Name and Address of Receiving Party(ies):

Name: Maytag Corporation

Internal Address:

Street Address: 403 West Fourth Street North

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

City, State, Zip: Newton, Iowa 50208

☐ Additional name(s) and address(es) attached.

Execution Date: September 23, 2003

4. (A) Patent Application Number(s):

4. (B) Patent Number(s):

If this document is being filed
together with a new application,
the execution date of the application is:
September 18, 2003, September 18, 2003,
September 18, 2003, September 23, 2003

5. Name and Address of Party to Whom
Correspondence Concerning this Document Should be
Mailed:

Name: Everett G. Diederiks, Jr.

Address: DIEDERIKS & WHITELAW, PLC
12471 Dillingham Square, #301
Woodbridge, Virginia 221926. Total Number of Applications and
Patents Involved: 17. Total Fee:
(37 C.F.R. 3.41) \$40.00

- ☒ Enclosed
☐ Authorized to be charged to Deposit Account

8. Deposit Account Number: 04-1075

DO NOT USE THIS SPACE

9. Statement and Signature:

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy
of the original document.

Everett G. Diederiks, Jr.

October 9, 2003

Name of Person Signing

Signature

Date

10-21-2003

FORM PTO-1595

U.S. DEPT OF COMMERCE
PATENT & TRADEMARK OFFICE102579537
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10.9.03

01004 U.S. PTO
10/681093To the Honorable Commissioner of Patents and Trademarks.
Please record the attached original documents or copies thereof.

1. Name of Conveying Party(ies):

Marty R. Jordan
Randy D. McAlexander
Mark B. Neff
Barry E. Tuller

2. Name and Address of Receiving Party(ies):

Name: Maytag Corporation

Internal Address:

Street Address: 403 West Fourth Street North

City, State, Zip: Newton, Iowa 50208

☐ Additional name(s) and address(es) attached.

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- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: September 23, 2003

4. (A) Patent Application Number(s):

10/681093

4. (B) Patent Number(s):

If this document is being filed
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the execution date of the application is:
September 18, 2003, September 18, 2003,
September 18, 2003, September 23, 2003

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Name: Everett G. Diederiks, Jr.

Address: DIEDERIKS & WHITE LAW, PLC
12471 Dillingham Square, #301
Woodbridge, Virginia 221926. Total Number of Applications and
Patents Involved: 17. Total Fee:
(37 C.F.R. 3.41) \$40.00

- ☒ Enclosed
☐ Authorized to be charged to Deposit Account

8. Deposit Account Number: 04-1075

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9. Statement and Signature:

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Everett G. Diederiks, Jr.

October 9, 2003

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 3

10/2003 WAERHAM1 00000049 10681093

40.00 UP

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ASSIGNMENT

Serial No. _____

Filed _____

In consideration of One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned inventor, or each inventor if more than one, hereby assigns to WHIRLPOOL CORPORATION (a Delaware corporation) its successors and assigns (hereinafter called "said assignee"), the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled DISHWASHER AND MOTOR CAVITY SOUND ATTENUATOR executed by the undersigned on the 27th day of Dec., 2003, and in said application and any and all other applications for United States Letters Patent, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States which may be obtained on any of said applications, and in any reissue or extension thereof.

The undersigned hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to said assignee.

The undersigned hereby authorizes and requests the attorneys of record in said application to insert in this assignment the date and serial number of said application.

For said consideration, the undersigned hereby agrees, upon the request and at the expense of said assignee, to execute any divisional, continuation or substitute application for said invention or improvements, and any oath, declaration or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and, in the event of any application or Letters Patent assigned herein becoming involved in Interference, to cooperate to the best of the ability of the undersigned in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof. The undersigned agrees to perform, upon request, any affirmative acts to obtain said Letters Patent of the United States and vest in said assignee all rights therein, whereby said Letters Patent will be held and enjoyed by said assignee, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

And for said consideration, the undersigned hereby assigns to said assignee the entire right, title and interest in said invention or improvements for all foreign countries, including all priority rights under the International Convention, and agrees to execute, at the request of said assignee, all documents in connection with any application for foreign letters patent therefor.

October 27th, 2003

STATE OF Michigan

COUNTY OF Berrien SS


ANDREW JAMES RETSEMA

Before me, a Notary Public in and for the County and State aforesaid, appeared ANDREW JAMES RETSEMA to me personally known to be the signer, or signers, of the foregoing instrument, and acknowledged execution of said instrument as a free and voluntary act for the uses and purposes therein expressed.


Notary Public



JUN - 1 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 26, 2004

PTAS



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WHIRLPOOL PATENTS COMPANY
ROBERT O. RICE
500 RENAISSANCE DR., STE. 102
MD 0750
ST. JOSEPH, MI 49085

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/29/2003

REEL/FRAME: 014657/0842
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

RETSEMA, ANDREW JAMES

DOC DATE: 10/27/2003

ASSIGNEE:

WHIRLPOOL CORPORATION
2000 NORTH M-63
MD 2200
BENTON HARBOR, MICHIGAN 49022-2692

SERIAL NUMBER: 10698153

FILING DATE: 10/29/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: DISHWASHER AND MOTOR CAVITY SOUND ATTENUATOR

014657/0842 PAGE 2

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECORD

11-07-2003

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

10:29:03



To the Honorable Commissioner of Patents a

102595467

ginal documents or copy thereof.

1. Name of conveying party(ies):

ANDREW JAMES RETSEMA

Additional name(s) of conveying party(ies) attached? ☐ YES ☒ NO

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: 10/27/03

2. Name and address of receiving party(ies)

Name: WHIRLPOOL CORPORATION

Internal Address: MD 2200

Street Address: 2000 NORTH M-63

City: BENTON HARBOR State: MI ZIP: 49022-2692

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s): Docket US20030321

If this document is being filed together with a new application, the execution date of the application is: 10/29/03

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

ROBERT O. RICE

Name: WHIRLPOOL PATENTS COMPANY

Internal Address: MD 0750

Street Address: 500 Renaissance Dr., Suite 102

City: St. Joseph St: MI ZIP: 49085

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

23-1660

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

JOHN F. COLLIGAN

Name of Person Signing

Signature

OCTOBER 29, 2003

Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks Box Assignment: Washington, D.C. 20231

11/06/2003 LMUELLER 00000124 231660 10698153

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